

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-124043-001 DT

10/05/2010

HON. SALLY S. DUNCAN

CLERK OF THE COURT  
M. Cabral  
Deputy

STATE OF ARIZONA

KRISTEN E HOFFMEYER

v.

ROBERT HERNANDEZ (001)

RODRICK S CARTER  
STEPHEN M JOHNSON

CAPITAL CASE MANAGER  
VICTIM SERVICES DIV-CA-CCC

DESSUREAULT HEARING

Prior to the commencement of the proceeding, State's Exhibits 1 and 2 are marked for identification.

1:35 p.m. This is the time set for Dessureault Hearing.

State's Attorney:	Kristen Hoffmeyer
Defendant's Attorney:	Rodrick Carter (1 <sup>st</sup> chair)
Defendant's Attorney:	Stephen Johnson (2 <sup>nd</sup> chair)
Defendant:	Present
Court Reporter:	Scott Kindle

State's case:

Detective Juan Lopez is sworn and testifies.

Pursuant to stipulation, State's Exhibit 1 is received in evidence.

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State's Exhibit 2 is received in evidence.

The witness is excused.

State rests.

Argument is heard.

Based on the testimony and arguments presented and for the reasons stated on the record,

THE COURT FINDS that the pretrial identification of the Defendant is not unduly suggestive or tainted and is admissible.

IT IS ORDERED that the victim may make an in-court identification of the Defendant.

Argument is heard on State's Motion for Evidentiary Hearing regarding Admissibility of Dr. Wu's Testimony.

Based on the arguments presented and the State's Motion, Supplemental Motion and Defendant's Response,

IT IS ORDERED permitting Dr. Wu to testify. **SEE LATER.**

Discussion is held re: discovery deadline for Dr. Gomez and Dr. Wu.

Based on the discussions held,

IT IS ORDERED that Dr. Wu shall disclose the all materials, in which he is requesting the State to sign a confidentiality agreement, to this Court under seal.

The Court finds that Dr. Gomez has disclosed the materials to the State.

Discussion is held re: current trial schedule.

Based on the discussions held, the Court notes that counsel estimate the last day of trial to be December 17, 2010.

Discussion is held re: *Chronis* Hearing.

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Counsel for the State makes an oral request to withdraw the F5 and F13 aggravating factors for the capital and non-capital counts.

There being no objection,

IT IS ORDERED granting the oral request and withdrawing the F5 and F13 aggravating factors for the capital and non-capital counts.

Discussion is held re: aggravation phase for the capital count and non-capital counts.

Defense counsel advises the Court that Defendant has another motion to dismiss counsel.

IT IS ORDERED that Defense counsels and the mitigation specialist shall meet and confer with Defendant after this hearing.

IT IS FURTHER ORDERED affirming *Chronis* Hearing set on **October 21, 2010 at 1:30 p.m.** in this division.

IT IS FURTHER ORDERED affirming Trial (prescreen) set on **October 18, 2010 at 1:30 p.m.** in this division.

IT IS FURTHER ORDERED affirming prior custody orders.

LAST DAY REMAINS: 12/07/2010

2:27 p.m. Matter concludes.

FILED: Exhibit Worksheet

**LATER:**

2:40 p.m. Court reconvenes. State is represented by Kristen Hoffmeyer. Defendant is present and represented by Rodrick Carter (1<sup>st</sup> chair) and Stephen Johnson (2<sup>nd</sup> chair).

Court reporter, Scott Kindle, is present.

Discussion is held re: State v. Israel Naranjo, CR2007-119504-001.

Based on the discussions held,

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IT IS ORDERED vacating the Court's prior order permitting Dr. Wu to testify.

IT IS FURTHER ORDERED consolidating CR2007-119504-001 for oral argument on State's Motion for Evidentiary Hearing Regarding Admissibility of Dr. Wu's Testimony on **October 21, 2010 at 1:30 p.m.** before Judge Duncan.

Note: A separate minute entry will be issued for CR2007-119504-001.

IT IS FURTHER ORDERED that all supplemental briefing shall be filed on or before noon on October 15, 2010.

2:46 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>